



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 25, 2023

NOTICE OF HEARING

TO: Susan Anderson Petitioners
Elk Mountain Water Users Assn. Inc. (see attached list dated November 9, 2022)
PO Box 6062
Custer SD 57730

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

Robert J. Galbraith, Attorney
Nooney & Solay, LLP
PO Box 8030
Rapid City SD 57709-8030

David McVey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
SD DANR, Water Rights Program

SUBJECT: Scheduling of Hearing on Water Permit Application No. 2850-2, Elk Mountain Water Users Association Inc.

The Water Management Board will conduct a hearing to consider Application No. 2850-2 at 10:00 AM **(Central Time)**, on Wednesday, March 8, 2023, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The time is an estimate and may be delayed due to prior items on the agenda.

Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. Applicable provisions of the public notice published in the Custer County Chronicle on September 28, 2022, Rapid City Journal on September 28, 2022, and the Notice of Hearing dated October 27, 2022, still apply.

Notices, orders, and other pleadings filed in the matter of Water Permit Application No. 2850-2 are posted on DANR's contested case page at <https://danr.sd.gov/public/ContestedCase.aspx>.

Questions regarding the hearing process may be directed to Ron Duvall, Water Rights Program at (605) 773-3352 or ron.duvall@state.sd.us.

Petitioner List

Water Permit Application No. 2850-2, Elk Mountain Water Users Association Inc.

November 9, 2022

PETITIONERS

Daniel Norman Stearns
25499 Dewey Rd
Edgemont SD 57735

Dalton Stearns
10321 Two Track Trl
Edgemont SD 57735

Travis Paulton
10693 Pass Creek Rd
Edgemont SD 57735

William and Susan Paulton
10666 Pass Creek Rd
Edgemont SD 57735

Jim and Charel Pitts
25385 Gillette Canyon Rd
Newcastle WY 82701

Late-Filed Petitioner
Tomas & Eraclio Martinez
25663 Dewey Rd
Edgemont SD 57735

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated January 25, 2023, regarding Water Permit Application No. 2850-2 – Elk Mountain Water Users Association Inc. was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on January 25, 2023.

Susan Anderson
Elk Mountain Water Users Assn. Inc.
PO Box 6062
Custer SD 57730

Robert J. Galbraith, Attorney
Nooney & Solay, LLP
PO Box 8030
Rapid City SD 57709-8030

Petitioners as follows:

Daniel Norman Stearns
25499 Dewey Rd
Edgemont SD 57735

William and Susan Paulton
10666 Pass Creek Rd
Edgemont SD 57735

Dalton Stearns
10321 Two Track Trl
Edgemont SD 57735

Jim and Charel Pitts
25385 Gillette Canyon Rd
Newcastle WY 82701

Travis Paulton
10693 Pass Creek Rd
Edgemont SD 57735

Late-Filed Petitioner
Tomas & Eraclio Martinez
25663 Dewey Rd
Edgemont SD 57735

Above also Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

David McVey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

Vickie Maberry
Vickie Maberry
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this _____ day of January 25, 2023.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2025

